

REMARKS

Claim 18 has been added. 1-5 and 13-18 are now pending. Reconsideration and allowance of all of the claims in view of the above amendments and the following remarks are respectfully requested.

The Examiner rejected claims 1-5 and 13-17 under 103(a) based on Schroeder International Application No. PCT/US00/09916. According to the Examiner, the claimed invention including at least 50% of wood material in the composite is not distinguishable from Schroeder's teaching of using 10% to 40% by weight course wood. This rejection is respectfully traversed.

Submitted as Attachment A with this amendment is a declaration of David Cox, one of the co-inventors of this application. In ¶ 6 of the declaration, Mr. Cox states in part that "speaker cabinets molded from moldable wood material having 10% to 40% by weight of course wood [as taught by Schroeder] would not be enough to provide the dampening desired from the speaker cabinets. For this reason, the claimed invention in the application includes at least about 50% of wood material having a mesh size between about 20 and about 60 by weight of the composite. As stated in paragraph 30 of the application, less than 50% wood content may be used in wood additive thermoset composite, but such application would not work for a speaker cabinet. Rather, with 40% wood content in WATC, such applications may be used for doors and floor panels, but not speaker cabinet. Therefore, Schroeder does not anticipate nor obviate the claimed invention that is directed to using at least about 50% by weight of wood in the composition." As such, Schroeder does not obviate the independent claims 1, 13, 15, and 16, and their respective dependent claims that are directed to using at least about 50% by weight of wood having a mesh size between about 20 and about 60 in the composition.

In particular, with regard to dependent claim 17, one aspect of the invention is to have a dampening factor or (Q) as generally defined in paragraph 7 of specification that is less than about 55, see paragraph 13 of the application. As further discussed in paragraph 14 of the specification, to have Q that is less than about 55, the composition may include at least about 50% of wood by weight of the composition and rest being substantially thermosetting resin by weight. Accordingly, favorable dampening characteristic may be quantitatively measured as Q

as discussed in the specification. In addition, as stated in the declaration of David Cox and in paragraph 30, with less than 40% of wood in the composition, the dampening characteristics are weakened so that Q would be above 55. Accordingly, claims 1, 13, 15, and 16, and their respective dependent claims that are directed to using at least about 50% by weight of wood having a mesh size between about 20 and about 60 in the composition are distinguishable from Schroeder.

With regard to new independent claim 18, Schroeder does not teach or suggest having "at least about 50% of wood material present by weight of the composite, where the composite has a dampening factor of less than about 55." Even with upper wood content of 40% of the composition as taught by Schroeder, the dampening characteristics of the composition would be more applicable for doors and floor panels rather than speaker cabinets as discussed in paragraph 30 of the specification. Accordingly, claim 18 is allowable over the teachings of Schroeder.

III. Conclusion

In view of the foregoing, it is respectfully submitted that the claims in the application patentably distinguish over Schroeder and are in condition for allowance. Reconsideration of the application, as amended, is respectfully requested.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is respectfully requested to call Applicants' undersigned representative at (213) 689-5176 to discuss the steps necessary for placing the application in condition for allowance.

The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 07-1853. Should such additional fees be associated with an extension of time, applicants respectfully request that this paper be considered a petition therefore.

Respectfully submitted,



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Attachment A



PATENT
45784-00052

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David H. Cox, et al.

Serial No.: 09/834,017

Filed: April 12, 2001

For: **WOOD ADDITIVE THERMOSET
COMPOSITE**

Examiner: Rajguru, Umakant K.
Group Art Unit: 1711

DECLARATION OF DAVID COX UNDER 37 C.F.R. § 1.132

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

I, David Cox, declare as follows:

1. I am one of the co-inventors of the invention claimed in United States Patent Application Serial No. 09/834,017 ("the application"), entitled "Wood Additive Thermoset Composite and a Method for Making the same."
2. I received a degree in 1982 from the University of Sound Arts in Hollywood, CA. Based on my educational and professional background, I consider myself to be a person of skilled in the art having sufficient knowledge and experience in the field using wood composition for constructing speaker cabinets.
3. In preparation for the application, I have tested a number of materials for their dampening and strength characteristics for construction of speaker cabinets. The test results are illustrated in Figure 1 of the application.
4. I have studied the two Office Actions dated November 29, 2002 and April 8, 2002, corresponding to the application.

5. I have studied Schroeder's International Application No. PCT/US00/09916, which is principally relied upon by the Examiner to reject the claimed invention in the application. Schroeder teaches compression molding moldable wood material to construct loudspeaker cabinets. The wood material includes 10% to 40% by weight of course wood having a mesh size between 10 and 50. See Page 12 lines 30-33 of the PCT/US00/09916 Application.

6. Based on my review of Schroeder's reference, it is my opinion that speaker cabinets molded from moldable wood material having 10% to 40% by weight of course wood would not be enough to provide the dampening desired from the speaker cabinets. For this reason, the claimed invention in the application includes at least about 50% of wood material having a mesh size between about 20 and about 60 by weight of the composite. As stated in paragraph 30 of the application, less than 50% wood content may be used in wood additive thermoset composite, but such application would not work for a speaker cabinet. Rather, with 40% wood content in WATC, such applications may be used for doors and floor panels, but not speaker cabinet. Therefore, Schroeder does not anticipate nor obviate the claimed invention that is directed to using at least about 50% by weight of wood in the composition.

I declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Date: 1/30/03



David Cox

Los Angeles/104518.1
1/17/03